IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1721 OF 2004

IN

SUIT NO.1662 OF 2004

Sushilarani Madanmohan Chokhani. .... Plaintiff.

vs.

Chadramohan Madanmohan Chokhani & Anr. ... Defendants.

Mr.M.D.Angat i/b. S.G.Kurup, for Plaintiff.

Mr.Palan with Mr.R.C.Nichani i/b. M.K.Khatri & Co., for Defendants

AND

NOTICE OF MOTION NO.1884 OF 2004

IN

SUIT NO.1823 OF 2004

Chadramohan Madanmohan Chokhani & ors. .... Plaintiffs.

vs.

Sushilarani Madanmohan Chokhani & ors.. ... Defendants.

Mr.Palan with Mr.R.C.Nichani i/b. M.K.Khatri & Co., for Plaintiffs.

Mr.M.D.Angat i/b. S.G.Kurup, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2005

P.C.:-

1. By consent of parties, Receiver of this Court is appointed as Receiver of Flat no.2/7, Agarwal Nagar, Dr.Ambedkar Road, Matunga, Mumbai- 400019.

2. The receiver shall first appoint an Architect to survey the suit property in order to find out firstly which of the members of Chokhani family are occupying which portion of the flat. Further to find out how best the flat can be partitioned so that the members of Chokhani family can continue to occupy the portions of the flat presently in their occupation, without coming into contacts with each other. The partition to be put shall be temporary partition.

3. The receiver after receiving the report from Architect, shall submit report to the Court and shall seek further directions.

4. The parties are agreed that in case this Court on the basis of the report submitted by Architect finds that the flat can be conveniently partitioned so that all the members of Chokhani family who are presently occupying the flat, can be accommodated, the court would be entitled to make such order.

5. The plaintiffs in suit no.1823 of 2004 shall put in the required funds for the purpose of appointing Architect and for getting reports.

6. Both the Notices of Motion are disposed of, with liberty to the plaintiffs to take out appropriate Notice of Motion seeking appropriate reliefs after the report of the Architect is received.

By consent of parties, hearing of both the suits is expedited.